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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Andrew M. Pelletier et al.

Serial No.: 09/931,668

Filed: August 16, 2001

For: METHOD AND APPARATUS  
FOR MONITORING FETAL  
STATUS DATA

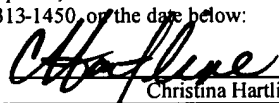
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Group Art Unit: 3762

Examiner: Bockelman, Mark

Atty. Docket: GEMS:0055-1/YOD  
31-PN-6223

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<p align="center">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:</p>	
<p>December 9, 2004</p> <p>Date</p>	 <p>Christina Hartline</p>

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

In the Office Action mailed on December 1, 2004, the Examiner indicated that the Appeal Brief mailed on August 30, 2004, and received by the U.S.P.T.O. on September 3, 2004, was non-compliant under 37 C.F.R. § 41.37. In particular, the Examiner stated that the Appeal Brief does not provide a concise explanation of the subject matter of each independent claim and set forth the structures for means plus function claims under 37 C.F.R. § 41.37(c)(1)(v).

However, as noted above, the Appeal Brief was filed on August 30, 2004 and received on September 3, 2004. The effective date of the changes to the appeal process is September 13, 2004. See 37 C.F.R. 41.37. As such, the above-referenced Appeal Brief was filed and should be examined under 37 C.F.R. §§ 1.191 and 1.192. Applicants respectfully submit that the above-referenced Appeal Brief complies with 37 C.F.R. §§

1.191 and 1.192. Accordingly, Applicants respectfully request withdrawal of the holding of non-compliance and reinstatement of the Appeal Brief for the reasons stated above.

Respectfully submitted,

Date: December 9, 2004

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